

**REMARKS**

This responds to the Office Action mailed on December 11, 2007.

Claims 1, 10 and 28 are amended, no claims are canceled, and claims 37-39 are added; as a result, claims 1, 5-8, 10-14, 13, 15-16, 18-19, 28, 32-35 and 37-39 are now pending in this application.

§103 Rejection of the Claims

Claims 1, 5-8, 10-11, 13, 15-16, 18-19, 28 and 32-35 were rejected under 35 USC § 103(a) as being unpatentable over Millman et al. (U.S. Patent 6,476,800 B2) in view of Aldrich et al. (U.S. Publication No. 2003/0201990 A1). The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. *See Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ; M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* To facilitate review, this analysis should be made explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)). Because the combination of

Millman and Aldrich does not teach or suggest all of the claim elements, claims 1, 5-8, 10-11, 13, 15-16, 18-19, 28 and 32-35 are not obvious in view of the combination.

An example of an element not taught or suggested by Millman and Aldrich is found in claim 1, which as amended recites “determining if a policy of a plurality of policies exists for the power management event.” In other words, a policy is selected from a plurality of policies such that the policy matches the power management event. Independent claims 10 and 28 recite similar language. With respect to policies, the Office Action states that the automatic change in a display update property upon detection of a power source change “is considered to be a predetermined existing power management policy for controlling how and when a display update property.” Even assuming that this interpretation is correct (which is not admitted), there is nothing in Millman or Aldrich that teaches determining if a matching policy exists. An automatic change upon a switch from DC to AC or vice versa is not equivalent to determining if a policy even exists for the power management event. Further, claims 1, 10 and 28 have been amended such that the power management policy is selected from a plurality of policies. Neither Millman nor Aldrich teach determining a matching policy from a plurality of policies. As a result, the combination of Millman and Aldrich fails to teach or suggest each and every element of Applicant’s claims 1, 10 and 28. As a result, claims 1, 10 and 28 are not obvious in view of the combination of Millman and Aldrich. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1, 10 and 28.

Claims 5-8 depend from claim 1; claims 11, 13, 15-16 and 18-19 depend from claim 10; and claims 32-35 depend from claim 28. These dependent claims inherit the elements of their respective base claims and are patentable over Millman and Aldrich for the reasons argued above, and are also patentable in view of the additional elements which they provide to the patentable combination. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. MPEP § 2143.03.

Claims 12 and 14 were rejected under 35 USC § 103(a) as being unpatentable over Millman et al. (U.S. Patent 6,476,800 B2) and Aldrich et al. (U.S. Publication No. 2003/0201990 A1) as applied to claims 1, 10 and 23 above, and further in view of Bril et al. (U.S. Patent 6,078,319). Claims 12 and 14 depend from claim 10 and therefore inherit the elements of claim 10, including elements directed to a processor operable to determine if a policy of a plurality of

policies exists for a power management event and further changing a display update property in accordance with the policy. As discussed above with respect to claim 10, neither Millman nor Aldrich teach or suggest the use of a plurality of policies to control how and when a display update property is changed in response to a power management event. Additionally, Applicant has reviewed Bril and can find no teaching or suggestion of the use of a plurality of policies to control how and when a display update property is changed in response to a power management event. As a result, claims 12 and 14 contain elements not found in the combination of Millman, Aldrich and Bril. Therefore claims 12 and 14 are not obvious in view of the combination of Millman Aldrich and Bril. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 12 and 14.

*New Claims 37-39*

Claims 37-39 have been added in this response. Support for claims 37-39 may be found throughout the specification, and in particular on at least pages 6-7 of the specification. Applicant has reviewed Millman, Aldrich and Bril, and can find no teaching or suggestion of user-defined policies that may match power management events. As a result, claims 37-39 are allowable over Millman, Aldrich and Bril.

### **RESERVATION OF RIGHTS**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney (612- 373-6954) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
Attorneys for Intel Corporation  
P.O. Box 2938  
Minneapolis, Minnesota 55402  
(612) 373-6954

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By /  /

Rodney L. Lacy  
Reg. No. 41,136

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 11th day of March 2008.

Rodney L. Lacy

Name



Signature